



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 100833A
25 September 2019

MICHAEL BEST
MUCKROCK NEWS
DEPT MR 33461
411A HIGHLAND AVE
SOMERVILLE MA 02144-2516

Dear Mr. Best:

This is our final response to your Freedom of Information Act (FOIA) request dated 15 February 2017, for "an electronic copy of the most recently produced declassification and review guide describing the procedures and rules for reviewing, declassifying and redacting documents pursuant to Executive Order 13526. If a new copy is currently being prepared, then I request the most recent draft copy of it as well." Your request was assigned Case Number 100833. A copy of your request is enclosed. A search located three documents; one document was provided to you and one was denied in full in our interim letter dated 20 March 2017.

Your request has been processed under the provisions of the FOIA. The third and final responsive document has been reviewed by this Agency as required by the FOIA and has been found to be currently and properly classified in accordance with Executive Order 13526. This document meets the criteria for classification as set forth in Subparagraph (c) of Section 1.4 and remains classified TOP SECRET as provided in Section 1.2 of Executive Order 13526. This document is classified because its disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Because the document is currently properly classified, it is exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552 (b)(1)).

In addition, this Agency is authorized by statute to protect certain information concerning its activities. We have determined that such information exists in this third document. Accordingly, those portions are exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 3024(i); and Section 6, Public Law 86-36 (50 U.S. Code 3605). No portion of the information in this document is reasonably segregable.

You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below. NSA will endeavor to respond within 20 working days of receiving any appeal, absent any unusual circumstances.

- The appeal must be sent via U.S. postal mail, fax, or electronic delivery (e-mail) and addressed to:

NSA/CSS NSA FOIA/PA Appeal Authority (P132)
National Security Agency
9800 Savage Road STE 6932
Ft. George G. Meade, MD 20755-6932

The facsimile number is 443-479-3612.

The appropriate email address to submit an appeal is FOIARSC@nsa.gov.

- It must be postmarked no later than 90 calendar days of the date of this letter. Decisions appealed after 90 days will not be considered.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial of requested information was unwarranted.

You may also contact the NSA/CSS FOIA Public Liaison at foialo@nsa.gov for any further assistance and to discuss any aspect of the appeal request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. OGIS contact information is as follows:

Office of Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
ogis@nara.gov
877-684-6448
(Fax) 202-741-5769

Sincerely,



for *Shawn C. Lukas*

JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority

Encls:
a/s

Date : Feb 15, 2017 20:07 GMT
To : 14434793612
From : fax@requests.muckrock.com
Subject: MR#33461-337205 - Freedom of Information Request: Declassification

February 15, 2017
National Security Agency
National Security Agency
Attn: FOIA/PA Office (DJP4)
9800 Savage Road, Suite 6248
Ft. George G. Meade, MD 20755-6248

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

An electronic copy of the most recently produced declassification and review guide describing the procedures and rules for reviewing, declassifying and redacting documents pursuant to Executive Order 13526. If a new copy is currently being prepared, then I request the most recent draft copy of it as well.

I am a member of the news media and request classification as such. I have previously written about the government and its activities for AND Magazine, MuckRock and Glomar Disclosure and have an open arrangement with each. My articles have been widely read, with some reaching over 100,000 readers. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through the non-profit Internet Archive, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance. Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." Judicial Watch, Inc. v. Dep't of Justice, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see Carney v. U.S. Dep't of Justice, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had "firm" plans to "publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media. Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. Id. 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category. As such, my primary purpose is to inform about government activities by reporting on it and making the raw data available and I therefore request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Michael Best

Filed via MuckRock.com
E-mail (Preferred): 33461-27467010@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock
DEPT MR 33461
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.
